

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Schools and Libraries Universal	)	CC Docket No. 02-6
Service		
Support Mechanism	)	
Submitted 09 August 2007	)	

**COMMENTS CONCERNING THE PROPOSED 2008 ELIGIBLE SERVICES LIST**

First Communications, LLC hereby submits these comments in response to Public Notice 07-130 dated 27 July 2007, said Public Notice seeking comments concerning the 2008 Eligible Services List (“ESL”) proposed by the Universal Service Administrative Company (“USAC”) to govern support requests during the upcoming funding year for the schools and libraries support mechanism. In these comments, First Communications requests that the Commission:

- (1) Add Access Broadband Over Power Lines as an Eligible Digital Transmission Technology in the Category “Telecommunications Services.”
- (2) Add In-Building Broadband Over Power Lines as an Eligible Component in the Priority 2, Category “Internal Connections;” and, where analogous to edge routing services, be classified as Eligible On-Premise Priority 1 Equipment.
- (3) Add Parent Notification System as an Eligible Service in the Category “Telecommunications Services.”
- (4) Require that eligibility for discount under the program for Interconnected VoIP (Voice Over Internet Protocol) services

provided by non-telecommunications providers be based upon actual payment to the Universal Service Fund by the provider of the Interconnected VoIP Service for the service in question.

### **Discussion**

1. Access Broadband Over Power Lines (A-BPL) is a means of allowing digital transmission *via* the ubiquitous power grid (or, in some instances, other infrastructure elements including elements of the PSTN). A-BPL is a "Digital Transmission Service" and is equivalent to other forms of Digital Transmission Service including T1's, DSL, DS-3 and Wireless Access services. Access BPL is offered directly to the public for a fee on a "common carrier" basis. Transmission occurs between or among points dependent upon the user's choosing. The user selects the information and there is no change in the form or content of the information as sent and received. Thus, in our opinion, Access BPL should be eligible for discounts as a Priority 1 Telecommunications Service.

Like all of the equivalent services, Access BPL allows for the transmission of any form of information including voice, video, data and anything else that can be transported via IP and other protocols. Access BPL transmits information across public rights-of-way. Access BPL can be used in conjunction with other telecommunications services. For instance, an OC-24 fiber link might be used at the "head end" of an Access BPL system while wireless transport could be used for other connections including some of the "last mile" connections in that system. We therefore ask that Access Broadband Over Power Lines classified as being

eligible for a discount as a Priority 1 Telecommunications Service and be included in the sample list of eligible digital transmission technologies listed in the ESL.

2. In-Building Broadband Over Power Lines (I-BPL) is similar to Access BPL in that it allows for the transmission of any form of information, independent of data or communications protocol. Like Access BPL, I-BPL can use existing wiring infrastructure including existing power (electrical) wiring, coaxial cable and twisted pair cable. (Although, in some instances, it might be more cost effective to run new wire, usually coax or twisted pair, and still use I-BPL.) However, as the name implies, In-Building BPL is applied within a building or campus and does not cross public rights-of-way. As such, we would contend that In-Building BPL is equivalent to transmission via Ethernet and other Layer 1 technologies. (In fact, Wikipedia lists broadband over power lines, and other forms of "power line communication -- PLC" as a Layer 1 (Physical Layer) technology. See: [http://en.wikipedia.org/wiki/Physical\\_layer](http://en.wikipedia.org/wiki/Physical_layer) and <http://en.wikipedia.org/wiki/Template:IPstack>.) I-BPL might also be classified as a Data Link Layer (Layer 2) technology. In either case, the components of an In-Building BPL system are analogous to other means of providing Internal Connections.

The components of an In-Building BPL installation are analogous to eligible Internal Connections elements in the following categories: "Cabling/Connectors," "Circuit Cards/Components," "Data Distribution," "Data Protection" and "Interfaces/Gateways." Thus, we maintain that I-BPL components should be

eligible for discounts as a Priority 2, Internal Connections. However, please note, that in many applications, part of a standard I-BPL installation might also qualify as On-Premise Priority 1 equipment performing edge routing functions integral to connection to the Internet and/or to the PSTN. Of course, in those instances, eligibility for discount as On-Premise Priority 1 equipment would depend upon meeting several other tests. (See, the Schools and Libraries Division's discussion of On-Premise Priority 1 equipment at <http://www.usac.org/sl/applicants/step06/on-premise-priority1-equipment.aspx>.)

3. Parent Notification Systems use the Public Switched Telephone Network and other infrastructure components to transmit both emergency and routine information from eligible entities such as schools and libraries to parents of students, students and other concerned members of the community. Parent notification systems fall within the Commission's definition of a telecommunications service, "the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received" [47 U.S.C. 153(43)]. Therefore we are requesting that the provision of this specific type of telecommunications service on behalf of eligible entities be specifically listed as an Eligible Telecommunications Service in the ESL.

4. In the 2007 Eligible Services List, the Commission took the desirable step of adding Interconnected VoIP Services (IVoIP) to the ESL as either a Telecommunications or Internet Access Service. This decision was based upon a

finding by the Commission in *2006 Interim Contribution Methodology Order*, Dated 21 June 2006, extending the responsibility for paying into the Universal Service Fund to providers of IVoIP services. However, the 2007 ESL did not specifically require that the non-telecommunications providers actually pay into the Fund for services discounted through USAC as IVoIP Services. At this point, it does not appear that all non-telecommunications providers of IVoIP service have registered to participate in the Fund. (See, <http://fjallfoss.fcc.gov/cib/form499/499a.cfm>.) In the interest of preserving the Universal Service Fund, we request that this specific requirement be added to the description of eligible Interconnected VoIP Services.

### **Recommendations**

For the reasons set forth above, First Communications, LLC. respectfully requests that the Commission adopt the following changes to the Eligible Services List for Funding year 2008:

1. Add - Access Broadband Over Power Lines be included as a Priority 1 Service in the Telecommunications Services category,
2. a) Add - In-Building Broadband Over Power Lines (using any type of existing or new wiring) be included as a Priority 2 service and/or product,  
b) Add - In-Building Broadband Over Power Lines (in instances where it is analogous to other edge-routing technologies) be included as a Priority 1 Telecommunications and Internet Access service,
3. Add - Parent Notification Systems using the Public Switched Telephone Network as a means of information distribution be included as a Priority 1

service in the Telecommunications Services category, and

4. Require - that Non-Telecommunications Service Providers providing Interconnected VoIP Services to eligible entities under the E-Rate discount mechanism certify that payment will be made into the Universal Service Fund for those Interconnected VoIP Services.

Thank you for your consideration of our requests. Please feel free to contact me if you need additional information concerning our requests.

Sincerely,

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